

Freedom Court Reporting, Inc

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PATTY BEALL, MATTHEW)	2:08-cv-422 TJW
MAXWELL, TALINA MCELHANY and)	
KELLY HAMPTON, individually)	
and on behalf of all other)	
similarly situated,)	
Plaintiffs)	
)	
v.)	
)	
TYLER TECHNOLOGIES, INC.,)	
and EDP ENTERPRISES, INC.)	
Defendants)	

DEPOSITION OF AMY R. DUNN, taken before Colleen
A. DiPierro, RMR, CRR, pursuant to notice dated July
13, 2010, at Executive Office Centers, 477 Congress
Street, Portland, Maine, on August 19, 2010, commencing
at 8:51 A.M.

APPEARANCES:

PAULO B. McKEEBY, ESQ.
CHANDRA L. HOLMES RAY, ESQ.

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1 A. I go on-site to clients and I go to the office when I'm
2 not on-site.

3 Q. Have you -- who is your supervisor at Harris Computers?

4 A. Jennifer Cyrus, C-Y-R-U-S.

5 Q. What is her title?

6 A. I honestly couldn't tell you. I just know she manages
7 the office. I don't know her official title.

8 Q. Am I correct that your title at Tyler Technologies was
9 implementation consultant?

10 A. Yes.

11 Q. Is your understanding of your -- well, let me lay the
12 predicate first.

13 Have you started performing the job of
14 application consultant at Harris Computers?

15 A. I'm in training.

16 Q. What has that training consisted of generally?

17 A. Learning the software and shadowing another application
18 consultant to learn the software.

19 Q. Is it your understanding based on that training that
20 you have received that the job of application
21 consultant at Harris Computer is similar to the
22 implementation consultant position that you performed
23 at Tyler?

24 A. I believe it will be similar. However, I'll have more
25 responsibility in setting up the appointments and

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1 training that you provided on-site compared to through
2 the Webex the same in terms of what you were training
3 on?

4 A. The content would have been the same, yes.

5 Q. Okay. That was my question.

6 What determined whether the training was
7 on-site versus online?

8 A. My supervisor.

9 Q. Your supervisor's direction?

10 A. Made those decisions.

11 Q. The -- again, the first bullet talks about it says
12 implemented and provided training.

13 Is there a distinction in your mind between
14 implemented and training?

15 A. In my mind I think of the implementation as getting
16 them set up, gathering the information from what they
17 want and need, determining what's best with them, how
18 to use the software, and then helping them set it up to
19 accomplish that.

20 Q. So implementation describes functions that we'll go
21 into more in detail but occurred prior to doing user
22 training?

23 A. Yes.

24 Q. When you were hired at Tyler, what type of training did
25 you go through?

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1 while you were an implementation consultant to Tyler?

2 A. Yes.

3 Q. When you say that you had sessions with your supervisor
4 in connection with your initial training, to what are
5 you referring?

6 A. Webex training sessions, listening in on Webexes.

7 Q. So these would be training sessions that you would be
8 viewing on the web along with other participants?

9 A. At the time I started with another implementation
10 consultant who was also learning business license, so
11 the two of us in the early stages.

12 Q. Who was that?

13 A. Nicole something. I don't remember her last name.

14 Q. Was she at Tyler at the time you left employment there?

15 A. I believe she was but in a different department.

16 Q. What department was she in?

17 A. I believe she had joined conversions but I can't
18 confirm that. I -- that was my last contact with her,
19 that that was where she was.

20 Q. And so you're identifying a department of conversions
21 that is distinct from is it the implementation
22 department that you were in?

23 A. Yes.

24 Q. What does conversion mean in the vernacular at Tyler?

25 A. It was a department who was responsible for taking data

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1 from existing systems from clients and electronically
2 converting it and loading it on the client's software.

3 Q. So then that's not something you did as an
4 implementation consultant?

5 A. In some cases we would assist them in defining where
6 their data went in our system from their old data, but
7 I did not actually do the physical or electronic
8 conversion.

9 Q. Would you -- I'm sorry. You would assist the
10 conversion department at times?

11 A. We would assist the customer in defining where their
12 data went in our system and that would be submitted to
13 the conversion department, and they would do the actual
14 conversion.

15 Q. Okay. So you would meet with the client to explain to
16 the client where the data from their system would go in
17 Tyler's system?

18 MS. HOLMES RAY: Object to the form of the
19 question. You can answer.

20 A. I didn't dictate where it went, I helped them define
21 where they wanted it to go.

22 BY MR. MCKEEBY:

23 Q. And you would do that in a meeting with the client?

24 A. Yes, in one of our on-site visits.

25 Q. And how would you communicate where the client directed

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1 employed there that I was told not to put hours, but I
2 think you'll find some time sheets did actually record
3 my hours for the travel days, the actual hours for my
4 travel days and the billable hours for the on-site
5 dates.

6 Q. Okay. Not to suggest that we're going to go through
7 the exercise, but as I understand your testimony, if we
8 were to look through each and every one of your expense
9 reports, there would be some weeks in which you could
10 discern the number of hours that you worked because
11 during those weeks you entered precise hours worked on
12 your expense reports?

13 A. No.

14 Q. Is that what you're saying?

15 A. No.

16 Q. What was wrong about what I said?

17 A. If I did have the opportunity to put the hours in, the
18 Monday, for example, I would travel and I would put the
19 actual hours that I spent traveling. The days that I
20 was on-site we were only allowed to put the hours that
21 we were on-site. It would not include the time I spent
22 in the evenings or in the mornings preparing and doing
23 other work. And then I would also record on Friday the
24 hours that it took for me to get home.

25 Q. Was it typical that you would travel to the customer

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1 site on a Monday and travel home on a Friday?

2 A. Yes, it was typical.

3 Q. Were there ever occasions where you traveled on the
4 weekend?

5 A. Rarely.

6 Q. Now -- so let me go back to the question that I
7 intended to ask but may not have asked very clearly,
8 and that is if we were to pull other -- are there any
9 expense reports, based on your recollection because
10 I've not shown you every one of them and don't
11 necessarily intend to, but based on your recollection,
12 are there any expense reports where you could go back
13 and identify yes, this particular week I worked X
14 amount of hours or is it your -- what you're explaining
15 to me is that you couldn't do that because you never on
16 any occasion accounted for time spent at the hotel or
17 in the mornings in the expense reports?

18 A. That's correct.

19 Q. The last thing I said was correct?

20 MS. HOLMES RAY: Object to the form.

21 MR. McKEEBY: That's a fair objection.

22 BY MR. McKEEBY:

23 Q. It's true that as -- that we're not going to be able to
24 tell your hours from these expense reports?

25 A. The true hours, yes.

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1 were thinking of -- you could have said I don't know
2 but you told me you would have said no.

3 And is that because there's a function of
4 configuration of which you're aware that you did not
5 perform? Like, for example, the -- let me help you,
6 try to help you a little bit.

7 When we talk about the conversion process,
8 you -- I forget exactly what you said, but that there
9 was -- you didn't do the actual conversion itself; the
10 conversion department would have done that.

11 MS. HOLMES RAY: Object to the form of the
12 question.

13 Q. Is there something --

14 MR. McKEEBY: I haven't finished the question,
15 but I'll let you object when I'm finished.

16 BY MR. McKEEBY:

17 Q. Is there someone else that you're thinking of in the
18 context of configuration that would have done whatever
19 it is that you understood to be configuration that you
20 did not perform?

21 MS. HOLMES RAY: Object to the form. You can
22 answer.

23 A. My -- when you say configuration, to me I have an IT
24 professional background, so that means to me installing
25 the software and configuring it on the system as far as

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1 the initial install on the hardware.

2 BY MR. McKEEBY:

3 Q. Okay. Did someone else do that at Tyler?

4 A. Yes.

5 Q. Who did?

6 A. I believe it was a whole department that did that.

7 Q. Okay. Did you say install the software?

8 A. They'll set up the hardware and install the software on
9 the hardware or the module on the hardware.

10 Q. That would have been something that would have been
11 performed by other Tyler employees before you commenced
12 your implementation responsibilities?

13 A. That's correct.

14 Q. During your services for Tyler did you ever have
15 occasion to draft any manuals or worksheets that would
16 have been provided to clients?

17 A. Yes.

18 Q. What are you thinking of?

19 A. We were all encouraged to create them. I don't
20 remember what they referred to them as, tip sheets or
21 help sheets.

22 Q. And were those customer specific tip sheets?

23 A. No, they would have been module specific or task
24 specific within a module.

25 Q. But those would have been provided to the customer for

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1 Q. And would this be a process that would take a few hours
2 or a few days or something different than that?

3 A. It depends on the implementation and the size of the
4 customer and the module.

5 Q. What percentage of time did you spend overall in terms
6 of your functions and responsibilities at Tyler doing
7 this work in meeting with the client and setting up the
8 tables? Is that a big part of your job, a small part
9 of your job, just in terms of the amount of time that
10 you spent doing these things?

11 A. Again, it would depend on the site and the module and
12 how many people are involved. I --

13 Q. Sure.

14 A. It would vary so largely I don't know that I could give
15 you a number.

16 Q. Right. But I'm not asking you for a percentage with
17 respect to a particular -- a particular implementation,
18 I'm just talking about overall in terms of how big of
19 an aspect of this was your job. Kind of similar
20 and, again, I understand you're going to have to
21 approximate and give us your best estimate, but in
22 terms of your overall job, kind of like you said that
23 approximately 70 perc -- 75 percent, in that range, was
24 the estimate of the amount of time you spent at the
25 customer location versus at the office, I'd like you to

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1 give me again your best estimate in a range of what
2 percentage of time your work involved meeting with the
3 customer to set up the tables in the Tyler software?

4 A. I would -- it -- I'd say 60 percent.

5 Q. And when you would set up these tables with the
6 customer, was there any reporting mechanism whereby you
7 would send information to your project manager advising
8 he or she of the elections that the customer had made
9 from your conversations?

10 A. In most cases the trip reports were submitted on a
11 weekly basis, and they would not typically outline
12 every little piece of data that was entered, just in
13 general terms what tables had been set up.

14 Q. And that was done in these documents you're referring
15 to as trip reports?

16 A. Yes.

17 Q. And that was something that was submitted on a weekly
18 basis?

19 A. Yes. Well, if I went to multiple sites that week, I
20 would submit two trip reports.

21 Q. This sort of gives rise to a question that I had. When
22 you would do an implementation, would you be doing
23 multiple implementations at one time?

24 A. I would be on the site at one client, but I would be in
25 the middle of an implementation. Some of them went for

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1 Q. And when you say that would depend on the site, you

2 mean that would depend on the customer site?

3 A. Yes.

4 Q. Does that go back to the size of implementation?

5 A. Yes.

6 Q. As an implementation consultant, would you meet with

7 the customer to discuss who at the customer needed to

8 be trained and on what and when in terms of setting up

9 the agenda or schedule for the training?

10 A. Yes.

11 Q. And, again, this is a one-on-one meeting between you

12 and either -- this is a meeting between you and either

13 one or more representatives of the customer?

14 A. Yes.

15 Q. Would this agenda be created at the same time as the

16 initial meeting that you discussed in which you would

17 gather information about the customer's processes?

18 A. No.

19 Q. This would be a separate meeting?

20 A. Yes.

21 Q. Is there -- would there be a person at the customer who

22 would be typical for you to meet with in terms of a

23 title like a, I don't know, a planner, or would that

24 just depend on the particular staffing of the customer?

25 A. It would depend on the staffing.

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1 question. You can answer.

2 A. From the job description or the position that was
3 posted on the website.

4 BY MR. McKEEBY:

5 Q. Right. But did they also tell you more about what the
6 job duties were?

7 A. In very general terms, yes.

8 Q. And who do you recall doing that, Ms. Rensenbrink or
9 the other person?

10 A. Liz.

11 Q. The other person as well or just Liz?

12 A. I don't remember him talking about it.

13 Q. Did they tell you that travel would be required?

14 A. Yes.

15 Q. Did they talk to you about benefits and compensation?

16 A. Yes.

17 Q. Did they explain to you that it would be a salaried
18 position?

19 A. Yes.

20 Q. And you had been a salaried employee in the past?

21 A. Yes.

22 Q. Did they tell you that the number of hours might vary
23 from week to week?

24 A. I don't remember that specifically being said
25 in either interview or discussion.

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1 STATE OF MAINE

2 I, Colleen A. DiPierro, RMR, CRR, a Notary
3 Public in and for the State of Maine, do hereby certify
4 that pursuant to notice there came before me on August
5 19, 2010 the following-named person to wit: AMY R.
6 DUNN, was duly sworn to testify to the truth and
7 nothing but the truth; that she was thereupon carefully
8 examined upon her oath and her examination reduced to
9 writing under my supervision; that this deposition is a
10 true record of the testimony given by the witness.

11 I further certify that I am neither attorney
12 nor counsel for, nor employed by any of the parties to
13 the action in which this deposition is taken, and
14 further, that I am not a relative or employee of any
15 attorney or counsel employed by the parties hereto, or
16 financially interested in this action.

17 IN WITNESS WHEREOF I have hereunto set my hand
18 this day of , 2010.

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23 Colleen A. DiPierro, RMR, CRR

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25 My Commission Expires
May 1, 2011